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Attorney for Plaintiffs, DAVID J. LEE and
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UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID J. LEE, and DANIEL R. LLOYD,
as individuals and, on behalf of others
similarly situated,

Plaintiffs,

vs.

AMERICAN EXPRESS TRAVEL
RELATED SERVICES, INC., a New York
corporation, AMERICAN EXPRESS
CENTURION BANK, a Utah corporation,
AMERICAN EXPRESS BANK, FSB, a
Utah corporation, and DOES 1, through
100, inclusive,

Defendants.

Case No.: C-07-4765 CRB

PLAINTIFFS' PROPOSED [ORDER]
RE: DEFENDANT AMERICAN EXPRESS
BANK F.S.B.'S MOTION TO DISMISS
PLAINTIFFS' COMPLAINT, PURSUANT
TO FED.R.CIV.P. 12(b)(6)

1 The motion of Defendant, American Express Bank F.S.B., came on for hearing before
2 this Court Friday, November 30, 2007. Matthew Hale, Esq. appeared on behalf of Plaintiffs
3 David J. Lee, and Daniel R. Lloyd. Stephen J. Newman appeared on behalf of Defendant
4 American Express Bank F.S.B.
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6 After considering the written submissions and the arguments of counsel, and all other
7 matters presented to the Court, IT IS HEREBY ORDERED that the Defendant's Motion is
8 DENIED. The Court rules as follows:
9

10 1. Plaintiffs' Complaint is not preempted by the Home Owners Loan Act (HOLA),
11 12 U.S.C. §§ 1462 et seq. and/or 12 C.F.R. § 560.2(b)(9);
12

13 2. The California Unfair Competition Law ("UCL"), California Bus. & Prof.
14 Code §§ 17200 et seq., the California Consumer Legal Remedies Act
15 ("CLRA"), California Civil Code § 1750 et seq., and common law in the
16 context of plaintiffs' complaint have, at most, only an incidental effect on
17 Defendants' credit operation
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20 DATED: November ___, 2007
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23 By: _____
24 Honorable Charles R. Breyer
25 U.S. District Court Judge
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